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Aspiro AB

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JUSTIN BAKER-RHETT, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

ASPIRO AB, a Swedish limited liability
company, and KANYE WEST, an individual,
together d/b/a TIDAL,

Defendant.

No.: 4:16-cv-02013-JSW

**STIPULATION AND [PROPOSED]
ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW
YORK, MANHATTAN DIVISION**

First Amended Complaint filed May 9, 2016

STIPULATION

Plaintiff Justin Baker-Rhett (“Plaintiff”), defendant Aspiro AB (“Aspiro”), and defendant Kanye West (“West”) (collectively “the parties”) by and through their undersigned counsel, hereby respectfully stipulate and agree as follows:

WHEREAS, on June 20, 2016, Aspiro filed a motion pursuant to Motion to Transfer Venue or, in the Alternative, Motion to Dismiss [Dkt. 18] (“Motion”) to transfer this action to the United States District Court for the Southern District of New York, Manhattan Division;

WHEREAS, pursuant to the parties' stipulation, Plaintiff's opposition to Aspiro's Motion is due by July 19, 2016 [Dkt. 21];

WHEREAS, since the filing of the Motion, the parties have met and conferred and reached an agreement that it is in the interest of justice to transfer this case to the United States District Court for the Southern District of New York, Manhattan Division. Accordingly, pursuant to 28 U.S.C. § 1404(a), all parties consent to the transfer of this case to the United States District Court for the Southern District of New York, Manhattan Division;

WHEREAS, the parties agree that notwithstanding the transfer of this action, any deposition of West will take place in the State of California at a mutually convenient time and place, to be determined at a later date.

NOW THEREFORE, the parties hereby agree as follows:

1. The Court shall vacate all dates in this Court, transfer the above-captioned action to the United States District Court for the Southern District of New York, Manhattan Division and close its file in the Northern District of California;

2. Aspiro's Motion [Dkt. 18] is withdrawn and the August 19, 2016 hearing date vacated;

3. Aspiro shall have 21 days from assignment to a district court judge in the United States District Court for the Southern District of New York, Manhattan Division to file an answer and affirmative defenses or otherwise plead in response to Plaintiff's operative complaint.

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1 IT IS SO STIPULATED.

2 DATED: JULY 18, 2016

EDELSON PC

3 By: /s/ Todd Logan

4 Todd Logan
5 Attorneys for Plaintiff
6 Justin Baker-Rhett

7 DATED: JULY 18, 2016

JENNER & BLOCK LLP

8 By: /s/ Kenneth Lee

9 Kenneth K. Lee
10 Attorneys for Defendant
11 Kanye West

12 DATED: JULY 18, 2016

REED SMITH LLP

13 By: /s/ Ashley Shively

14 Ashley L. Shively
15 Attorneys for Defendant
16 Aspiro AB

17 PURSUANT TO THE PARTIES' STIPULATION, AND GOOD CAUSE

18 APPEARING, IT IS SO ORDERED.

19 Dated: _____

20 HONORABLE JEFFREY S. WHITE
21 UNITED STATES DISTRICT JUDGE

E-Filing Attestation

I, Ashley L. Shively, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that the above-signed individuals have concurred in and authorized this filing.

/s/ Ashley L. Shively
Ashley L. Shively

REED SMITH LLP
A limited liability partnership formed in the State of Delaware